

EXHIBIT 3

Deposition of Terry Marquardt - 8/16/2018
League of Women Voters of Michigan v. Ruth Johnson, the Secretary of the State of Michigan

Page 1

1 UNITED STATES DISTRICT COURT
2 EASTERN DISTRICT OF MICHIGAN
3 SOUTHERN DIVISION
4 Court File No. 2:17-cv-14148-DPH-SDD
5 - - - - -
6 LEAGUE OF WOMEN VOTERS
7 OF MICHIGAN, ROGER J. BRDAK,
8 JACK E. ELLIS, DONNA E. FARRIS,
9 WILLIAM "BILL" J. GRASHA,
10 ROSA L. HOLLIDAY, DIANA L.
11 KETOLA, JON "JACK" G. LASALLE,
12 Richard "DICK" W. LONG,
13 LORENZO RIVERA,
14 and RASHIDA H. TLAIB,
15
16 Plaintiffs,
17
18 v.
19
20 RUTH JOHNSON, in her official
21 capacity as Michigan
22 Secretary of State,
23
24 Defendant.
25
26 - - - - -
27
28 - - - - -
29
30 DEPOSITION OF
31 TERRY MARQUARDT
32 - - - - -
33
34 Taken August 16, 2018 By Kelly A. Herrick
35

Deposition of Terry Marquardt - 8/16/2018
League of Women Voters of Michigan v. Ruth Johnson, the Secretary of the State of Michigan

Page 106

1 Q. Why weren't the senators shown the whole
 2 map? Why are they just shown their
 3 district?
 4 **A. I don't -- I don't know if I really have an**
 5 **answer for that. I mean, they're more**
 6 **interested in their district. I don't think**
 7 **a lot of them had an interest in the -- in**
 8 **the domino effect of how it affected**
 9 **everything else. They are more focused on**
 10 **their own districts.**
 11 Q. Is that something that you decided that they
 12 were only going to get this document or did
 13 someone else make that decision?
 14 **A. I don't recall at the time how decisions**
 15 **were made.**
 16 Q. And who was the senator for this particular
 17 district?
 18 **A. This district actually was Senator Colbeck.**
 19 Q. You said a minute ago that the changes to
 20 this district were quite significant?
 21 **A. Um-hmm.**
 22 Q. Can you talk me through why these changes
 23 were made, because I mean, I agree, just
 24 from looking at it, it looks very different
 25 and then close to 60 percent totally

Page 108

1 created for that meeting with
 2 Senator Colbeck.
 3 Were any changes made to this
 4 district that you recall after?
 5 **A. No.**
 6 Q. In this meeting with Senator Colbeck and the
 7 others who were there, did you discuss this
 8 partisan data that's on the map?
 9 MR. GORDON: I'll object. You're
 10 getting into the legislative privilege area
 11 as to what was said. He's a key staffer for
 12 the Speaker of the House and the key map
 13 drawer, and I think he would be considered
 14 the key staffer from the Republican caucus.
 15 MS. MAPPES: Well, we can pull it
 16 back out and make sure we're on the right
 17 side of the line, but I think the Court's
 18 Order on the legislative privilege allows
 19 for questions that go to whether there was
 20 partisan intent in the factual -- the
 21 underlying factual materials.
 22 MR. HUGHES: Can we go off the
 23 record?
 24 MS. MAPPES: Sure.
 25 (Discussion off the record.)

Page 107

1 different population so --
 2 **A. Right. Well, as you can tell, the one on**
 3 **the right is much more compact and I think**
 4 **that's what drove the changes more. I mean,**
 5 **there were obviously a lot of population**
 6 **changes.**
 7 **As you can see if you look back on**
 8 **the left again, the current district 2010**
 9 **population, that second number down there,**
 10 **that 319,000 number, that's how much that**
 11 **district grew. Obviously that was far out**
 12 **of the deviation range, so the district had**
 13 **to get smaller and lose some municipalities,**
 14 **and so, you know, the configuration that was**
 15 **kind of the most compact is what we came up**
 16 **with there.**
 17 Q. You said "we," but do you really mean you?
 18 **A. I was probably the driving force.**
 19 **Obviously, I didn't get to make, you know,**
 20 **the final call on everything but --**
 21 Q. Who was making the final call?
 22 **A. Well, Senator Richardville was not**
 23 **particularly involved in the details but he**
 24 **would look at these after they were done.**
 25 Q. And you said this was a document that you

Page 109

1 (Question read back as requested as
 2 follows:
 3 "Q. In this meeting with Senator
 4 Colbeck and the others who were there, did
 5 you discuss this partisan data that's on the
 6 map?")
 7 THE WITNESS: I don't recall
 8 specifically.
 9 BY MS. MAPPES:
 10 Q. Do you recall any discussion of how this
 11 district would perform?
 12 **A. No.**
 13 Q. Do you recall anything in particular at all
 14 that was discussed at this meeting?
 15 **A. Not at this -- no, I don't.**
 16 Q. Did you take any notes at any of these
 17 meetings?
 18 **A. No. I was kind of busy presenting so I**
 19 **really didn't have time to take notes.**
 20 Q. What did you present?
 21 **A. Just basically the map and kind of**
 22 **explained, you know, basically what I went**
 23 **through with you, you know, what all this**
 24 **meant.**
 25 Q. Is there anything you presented to them that

Deposition of Terry Marquardt - 8/16/2018
League of Women Voters of Michigan v. Ruth Johnson, the Secretary of the State of Michigan

Page 110

1 you and I haven't covered about what's on
2 this document?
3 **A. No, not that I recall.**
4 Q. Where in this district does Senator Colbeck
5 live?
6 **A. I believe that he lives in Canton Township.**
7 Q. Where -- oh, that's over there on the --
8 **A. Which is, yeah, the -- I can point at it**
9 **better than I can -- I'm sorry.**
10 Q. On the left side, kind of the third one
11 down?
12 **A. Correct.**
13 Q. Okay.
14 **A. Third square or third shape.**
15 Q. It says it on there, it's just hard to read.
16 **A. Yeah.**
17 Q. And was there any other incumbent that lived
18 in this district?
19 **A. No.**
20 Q. Did you have any expectation of who the
21 Democrat would be that would run in this
22 district at the time?
23 **A. I did not. We were quite a ways away from**
24 **election at that point, almost three years,**
25 **so -- three and a half years.**

Page 112

1 **A. It's down the list on the criteria but it**
2 **is -- it is in the criteria. It's probably**
3 **the one criteria that's the most complicated**
4 **because there's like a geometric formula**
5 **kind of and -- yeah.**
6 **I think when we look at something,**
7 **we kind of know what's compact and what**
8 **isn't, so this one is pretty easy to detect.**
9 Q. Do you use that formula to check whether
10 your districts are compact?
11 **A. There was a way to do that on the computer.**
12 **It was down the criteria list quite a ways,**
13 **so we didn't -- it was more driven by**
14 **population and -- but again, compactness is**
15 **kind of obvious when you look at a district**
16 **rather than the one from 10 years prior.**
17 Q. Do you consider this district competitive?
18 **A. This is a changing district and so I would**
19 **consider it competitive, yes.**
20 Q. What do you mean by it's a "changing
21 district"?
22 **A. It's just -- it's become more competitive**
23 **over time. I think at one point in time,**
24 **that portion of Wayne County was considered,**
25 **you know, fairly Republican. I don't think**

Page 111

1 Q. That makes sense. Every once in awhile you
2 might have some idea of that.
3 Was this in your view the only way
4 to draw this district or was there some
5 discretion that played a role?
6 **A. From what I recall at the time,**
7 **Wayne County, most of the municipalities are**
8 **pretty large and so there's not a lot of**
9 **different combinations because a lot of them**
10 **have quite a bit of population.**
11 **Obviously this one was, as you**
12 **can -- by looking at it, it's much more**
13 **compact and so I think that was really kind**
14 **of more the driving force was that it was**
15 **compact up in that corner.**
16 Q. Did the location of Senator Colbeck's
17 address play a role in your decision to make
18 the new district shaped this way?
19 **A. I mean, it certainly didn't hurt but I don't**
20 **know that his address really -- I mean, the**
21 **way that corner fit together,**
22 **Canton Township was going to be in that**
23 **district more than likely, so --**
24 Q. You've mentioned compactness a couple times.
25 Is that a goal?

Page 113

1 **that's necessarily the case any longer. I**
2 **mean, through demographic changes, districts**
3 **change over time, particularly, I think, in**
4 **the Detroit metro area districts have**
5 **changed quite a bit.**
6 Q. When you look at the numbers though at the
7 bottom with the three-year GOP averages, the
8 way I look at it, the numbers on the right
9 suggest that this district would be
10 Republican than it used to be.
11 I mean, I guess as a threshold, am
12 I understanding the numbers right?
13 **A. I think you are.**
14 Q. Okay.
15 **A. I think you're understanding the number,**
16 **yes. We could get into a whole political**
17 **discussion about how things have changed and**
18 **how different demographic groups have maybe**
19 **changed their voting patterns. I think, in**
20 **this particular district, again, not to get**
21 **off in the weeds too far, you could make the**
22 **argument that -- with, kind of, the Trump**
23 **phenomenon and kind of the blue collar**
24 **nature of the Southern part of this whole**
25 **district, you could almost make a case that**